

SERVICE DATE - DECEMBER 1, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY & EASTERN RAILROAD, INC.–ABANDONMENT EXEMPTION–IN ELK
AND CAMERON COUNTIES, PA

Decided: November 26, 2003

Allegheny & Eastern Railroad, Inc. (A&E), filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon an 18.9-mile line of railroad between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served on October 1, 2003, and published in the Federal Register on September 30, 2003 (68 FR 56377-78).¹

By decision and notice of interim trail use or abandonment served on October 30, 2003 (October 30 decision), the proceeding was reopened, and the exemption was made subject to trail use and public use conditions² and the conditions that A&E shall: (1) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers; (2) consult with the Pennsylvania Department of Environmental Protection concerning the salvage or retention of abandoned stream crossings; and (3) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

By letter filed on November 6, 2003, A&E and the Pennsylvania Historical and Museum Commission (PA SHPO) informed the Board's Section of Environmental Analysis (SEA) that, the condition requiring compliance with the section 106 process has been fulfilled. The PA SHPO has determined that there are no properties listed in or eligible for inclusion in the National Register of Historic Places located in the proposed project area. Because this completes the section 106 process, SEA recommends that the section 106 historic preservation condition imposed in the October 30 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.³

¹ The exemption became effective on October 31, 2003.

² The trail use negotiation period and the public use condition are schedule to expire on April 28, 2004.

³ All of the other conditions remain in effect.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the October 30 decision is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary